

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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DATE FILED: 3/22/2022

JAN M. ARNETT,

Plaintiff,

-against-

EARTH SEARCH SCIENCES, INC., and
GENERAL SYNFUELS INTERNATIONAL,
INC.,

Defendants.

1:18-cv-11871-MKV

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

On February 28, 2022, the Court entered an Order in this case directing Plaintiff Jan Arnett to show cause by March 21, 2022 why this case should not be dismissed for failure to timely serve Defendants Earth Sciences Inc. and General Synfuels International Inc. (the “Corporate Defendants”). [ECF No. 69] (the “February 28 Order”). The February 28 Order warned Plaintiff that “**THE COURT MAY DISMISS THIS MATTER PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 4(m) IF CAUSE IS NOT SHOWN WHY THIS CASE SHOULD NOT BE DISMISSED FOR FAILURE TO TIMELY SERVE.**” *Id.* (emphasis in original).


The February 28 Order stated in the concluding paragraph that “**FAILURE TO SHOW CAUSE WHY THIS CASE SHOULD NOT BE DISMISSED FOR FAILURE TO TIMELY SERVE, OR TO COMPLY WITH THE COURT’S ORDER, MAY RESULT IN DISMISSAL OF THIS ACTION.**” *Id.* (emphasis in original). As of the date of this Order, the Court has not received any communication from the Plaintiff and Plaintiff has not filed an updated proof of service on the docket in this case.

Federal Rule of Civil Procedure 4(m) states that if a defendant is not timely served, the court “after notice to the plaintiff” “must dismiss the action without prejudice against that defendant or order that service be made.” Accordingly, the Court dismisses Plaintiff’s claims against the Corporate Defendants without prejudice. As no claims against any defendant remain in this case, the Clerk of the Court respectfully is requested to close the case.

The Clerk of the Court respectfully is requested to send a copy of this Order to the Plaintiff at the address of record.

SO ORDERED.

Date: March 22, 2022
New York, NY


MARY KAY VYSKOCIL
United States District Judge